

-4-

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

Original Application No. 782 of 1993

Chandra Pal Singh

.... Petitioner

Versus

Union of India and Ors

.... Respondents

HON'BLE MR. JUSTICE R.K. VARMA, V.C.

HON'BLE MISS. USHA SEN, MEMBER (A)

(By Hon. Mr. Justice R.K. Varma, V.C.)

By this petition filed under section 19 of the Administrative Tribunals Act 1985 the petitioner has sought re-engagement and regularisation of his services.

2. The petitioner has worked in the office of S.D.O. (Phones), Moradabad, as a Muster-roll employee (workman) from 1.2.83 to 1.7.85. The total number of days of employment of the petitioner during the said period is 356 days as per copy of the Muster-roll certificate filed as (Annexure 1 to the petition). The petitioner was struck off ~~from~~ the Muster roll on 1.8.85 without any notice to the petitioner and after several representations made by him he was taken back on the Muster roll and worked from 8.12.88 to 15.1.89, whereafter he was again struck off from the muster roll and is out of job.

3. The petitioner came to know about the G.O. dated 4.6.85 which is issued by the Govt. of India, Ministry of Communication, Department of Telecommunication

to all Heads of Telecom Circles and all Heads of other Administrative Telecom Office on the subject of "regularisation of services of Casual workers Group 'B' posts-~~xx~~ Relaxation of Employment Exchange Procedure-instructions regarding", which has been annexed by the petitioner as (Annexure 2 to the petition). The aforesaid G.O. directs compliance of the office Memorandum dated 24.5.85 issued by the Ministry of Personnel and Training, Administrative Reforms and Public Grievances and Pension (Department of Personnel and Training). The said Office Memorandum dated 24.5.85 states that having regard to the fact that Casual workers belonged to the weaker section of the society and termination of their services will cause undue hardship to them, it has been decided, as a one time measure in consultation with the D.G.P&T that casual workers recruited before the issue of these instructions may be considered for regular appointment to Group 'D' posts, in terms of the general instructions, even if they were recruited otherwise than, through the employment exchange, provided they^{are} are eligible for regular appointment in all other respects.

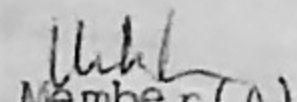
4. The aforesaid Govt. order dated 4.6.85 and the Office Memorandum dated 24.5.85 came into existence while the petitioner was serving as a casual worker in the office of the S.D.O (Phones), Miradabad where he was removed from the Muster roll later, on 1.7.85.

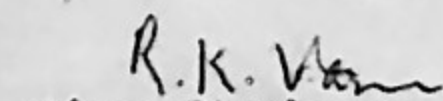
5. The learned counsel for the petitioner has prayed for the direction to the respondents to consider

engaging the petitioner as casual labour on muster roll and if vacancies exist, he may be employed in preference to juniors and fresh recruits and after re-engagement, he may be considered for regularisation in case any junior to the petitioner has been regularised.

6. The prayer is reasonable and is allowed. Accordingly, we direct the respondents to consider engagement of the petitioner as Casual labour on Muster roll and give him employment if vacancy exists and in preference to juniors and fresh recruits and after the petitioner is re-engaged, he may be considered for regularisation as per rules, if any junior to the petitioner has been regularised in service.

7. This petition is accordingly disposed of. There will be no order as to costs.


Member (A)


Vice Chairman

Dated: April. 18th. 1994

Uv/